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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

NATIONAL LAWYERS' GUILD SAN  
FRANCISCO CHAPTER, et al.,

Plaintiffs,

v.

U.S. DEPARTMENT OF HOMELAND  
SECURITY, et al.,

Defendants.

No. C 08-5137 CRB

**STIPULATION TO VACATE MOTION  
HEARING AND STAY PROCEEDINGS;  
AND ~~PROPOSED~~ ORDER**

WHEREAS, in an effort to narrow the issues before the Court,

1. Defendant CIS has performed a secondary search in response to Plaintiffs' February 2008 FOIA request, and has produced responsive, nonexempt records identified therefrom; and

2. Defendant ICE has reconsidered the bases for its withholdings of documents referred to it on September 5, 2008, by Defendant CBP in response to Plaintiffs' February 2008 FOIA request, and has produced responsive, nonexempt records identified therefrom; and

3. Defendant EOIR has agreed to reconsider the bases for its withholdings of records previously produced on June 2, 2008, in response to Plaintiffs' February 2008 FOIA request, and to produce any additional responsive, nonexempt records identified therefrom by May 8, 2009; and

1           4. Defendants ICE, CBP, and EOIR have agreed to perform secondary searches in  
2 response to Plaintiffs' February 2008 FOIA request (and, in the case of EOIR, in response to  
3 Plaintiffs' June 2008 FOIA request), but are currently unable to predict when these secondary  
4 searches, and the processing of any potentially responsive documents, will be complete; and

5           5. Defendants ICE, CBP, and EOIR have agreed that (a) no later than May 24, 2009,  
6 they will update Plaintiffs on the status of the secondary searches and processing, including, to the  
7 extent possible, the volume of potentially responsive records and the time required to complete the  
8 secondary searches and processing; (b) no later than May 24, 2009, they will make an interim  
9 production of any responsive, nonexempt records that have then been fully processed; and (c) no  
10 later than June 24, 2009, they will make a production (either interim or final) of any responsive,  
11 nonexempt records that have then been fully processed; and

12           WHEREAS it would minimize litigation costs and conserve judicial resources to suspend  
13 the summary judgment briefing schedule, and to stay further proceedings in this case, to permit the  
14 above-mentioned secondary searches and processing to take place;

15           IT IS HEREBY AGREED AND STIPULATED by and between the parties, through  
16 undersigned counsel, subject to the approval of the Court, that:

- 17           1. The motion hearing on Defendants' motion for summary judgment currently  
18 scheduled for September 25, 2009, is vacated;
- 19           2. The briefing schedule proposed in the parties' Case Management Statement and  
20 adopted in the Court's minute entry of February 20, 2009, is suspended;
- 21           3. Further proceedings in this case are stayed for a period of 60 days through and  
22 including June 24, 2009; and
- 23           4. No later than June 24, 2009, the parties shall submit a joint report advising the Court  
24 on the status of the above-mentioned searches and/or a stipulation proposing a  
25 schedule to govern further proceedings.
- 26  
27  
28

1 Dated: April 24, 2009

2 Respectfully submitted,

3 /s/ Jennifer Lee Koh  
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Attorneys for Defendants

21 ~~PROPOSED~~ ORDER

22 Pursuant to stipulation, **IT IS SO ORDERED.**

24 Dated: April 27, 2009

